

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID ANGEL SIFUENTES, III,

Plaintiff,

v.

NAUTILUS, INC.,

Defendant.

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Case No. 1:22-cv-150

Hon. Hala Y. Jarbou

**ORDER**

On March 4, 2022, Magistrate Judge Sally J. Berens issued a Report and Recommendation (R&R, ECF No. 10) recommending that the Court dismiss Plaintiff's suit without prejudice because this action is duplicative of another action that Plaintiff filed against Defendant in the United States District Court for the Western District of Washington, captioned *Sifuentes v. Nautilus Inc.*, No. 3:21-cv-5613. The R&R was duly served on the parties, and objections are due by March 18, 2022. Plaintiff has filed objections to the R&R, but states he "does not object to the case being dismissed without prejudice." (ECF No. 11, PageID.55.) Plaintiff also filed a motion for voluntary dismissal without prejudice (ECF No. 12). On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

**IT IS ORDERED** that Plaintiff's objections (ECF No. 11) are **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the R&R (ECF No. 10) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion to dismiss (ECF No. 12) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Court **CERTIFIES** that an appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

A judgment will issue in accordance with this order.

Date: March 16, 2022

/s/ Hala Y. Jarbou  
HALA Y. JARBOU  
UNITED STATES DISTRICT JUDGE